

2026.PHHC.039012



**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRR-3089-2010

Date of Decision: 12.03.2026

Sukhdev Singh

...Petitioner(s)

Vs.

State of Punjab

...Respondent(s)

CORAM : HON'BLE MR. JUSTICE N.S.SHEKHAWAT

Present : Mr. Prateek Pandit, Advocate for the petitioner.

Mr. Bhanu Pratap Singh, Addl. A.G., Punjab.

N.S.SHEKHAWAT, J. (Oral)

1. The petitioner has filed the present revision petition against the impugned judgement dated 01.05.2010 passed by the Court of Additional Sessions Judge, Kapurthala and the impugned judgment dated 13.07.2006 passed by the Judicial Magistrate 1st Class, Kapurthala, whereby, the petitioner was ordered to be convicted for the commission of the offence punishable under Section 411 IPC, and he was sentenced to undergo rigorous imprisonment for one year and to pay a fine of Rs.500/-, alongwith default stipulation.

2. The brief story of the prosecution is that on 05.04.2004, SI Surinder Singh alongwith other police officials while on duty, was present at Chandigarh-Nawanshahr bypass, when secret information was received by SI Surinder Singh that Sukhdev Singh son of Phuman Singh and Satpal Singh son of Parkash, are tracing some purchaser (already convicted)/son of Parkash, in order to sell Massy Tractor, having red colour, without number and are roaming near Lucky Dhaba. The secret

information was received that they have removed the number plates intentionally, and they have stolen the tractor from Una (HP). The raid if conducted, then they can be apprehended red handed. Believing the information to be reliable, *ruqa* was sent to the police station for registration of case and on the basis of same, formal FIR was registered. SI Surinder Singh alongwith other police officials proceeded to the place specified by the informer. SI Surinder Singh on reaching Bus Stand Khazurla also tried to join the independent witness, as a result of which, Sewa Singh son of Charanjit Singh was joined in the police party. The raid was conducted, on giving signal by the informer, two persons out of which one was sitting on the driver seat of the tractor and the other was sitting on the mud guard, had tried to flee away from the spot. Accused Satpal Singh succeeded to flee away from the spot whereas, accused Sukhdev Singh was apprehended. Stolen tractor was taken into possession. Accused Satpal was also arrested later on. After the completion of investigation, challan against the accused was prepared and presented in the Court.

3. After the presentation of *challan*, the trial Court found that a *prima-facie* case under Section 411 IPC is made out against the present petitioner, and he was chargesheeted accordingly.

4. In order to prove the case, the prosecution examined eight witnesses, namely, Jaswinder Singh as PW-1, Mohan Singh ASI as PW-2, (no witness was examined as PW3), HC Parbhat Chand as PW-4, HC Jaspal Singh as PW-5, Sanjay Kumar as PW-6, Dharam Chand as PW-7, and SI Surinder Singh as PW-8, and thereafter closed the prosecution evidence.

5. After the closure of the prosecution evidence, the statement of the accused under Section 313 Cr.P.C. was recorded, and all the incriminating circumstances were put to him. However, he stated that he was falsely involved in the present case and was innocent. The petitioner chose not to lead any defence evidence.

6. During the course of arguments, learned counsel for the petitioner submits that he does not wish to challenge the judgement of conviction, however, some leniency may be shown while awarding the sentence to the petitioner.

7. Even though learned counsel for the petitioner does not wish to challenge the conviction, however, this court has considered the case on merits. In the present case, PW-1 ASI Jaswinder Singh stated that a special *Naka* was raised near bypass Phagwara on receipt of secret information. *Ruka* was sent and a formal FIR was registered. Thereafter, a raid was conducted, and the stolen Massey tractor was found in the parking place of Haveli Thaba. Satpal, co-accused was sitting on the left side from the spot and the petitioner was also there. The petitioner was apprehended and the tractor was taken into possession by the recovery memo Ex. PA. On 7.4.2004, all the documents relating to case FIR No. 188/2004, Police Station Una (HP), were taken into possession by the memo Ex. PB. He also proved the copy of RC as Mark C and all other documents as Mark D. He also recorded the statements of other witnesses.

8. PW-2 ASI Mohan Singh, supported the statement of PW1 ASI Jaswinder Singh. Still further, the prosecution examined PW-4 HC Parbhat Chand, who stated that Amarjit son of Dharam Chand had made

a statement that a Massey tractor was stolen by someone, and FIR No. 188/2004 was registered by him. Thereafter, CIA staff Kapurthala recovered a tractor from the petitioner and Satpal and the petitioner was arrested in that case. HC Jaspal Singh, PW-5, proved FIR No. 188 dated 22.3.2004 under Section 379 IPC, Police Station Una, as Ex. PW5/A. PW-6 Sanjay Kumar produced the record relating to registration of the tractor, and as per record, Dharam Chand was the owner of the tractor. PW-7 Dharam Chand was the owner of the tractor, who got the FIR registered after it was stolen from Una. He stated that the same tractor was recovered from the petitioner by CIA Staff Kapurthala. PW-8 Surinder Singh, ASI, was the IO of the present case and proved the complete investigation in the present case.

9. From the above-referred statements, it is apparent that the Massey tractor, which was recovered from the petitioner, was a stolen property, regarding which an FIR already stood registered in Una, Himachal Pradesh. Even the said stolen tractor was recovered from the possession of the present petitioner, and both the Courts have rightly held the petitioner guilty under Section 411 IPC. Even otherwise, this Court has carefully perused the findings recorded by both the Courts and finds no grounds to interfere with the same.

10. Now, adverting to the order of sentence, this Court cannot lose sight of the fact that the present petitioner is facing prosecution since 13.07.2004, i.e., for 22 years. Apart from that, he was sentenced to undergo rigorous imprisonment for a period of 01 year. However, he has already undergone a substantial period of custody, i.e., about 07 months and 11 days. Even as per record, he was aged about 30 years at the time

of his conviction, and at present, he is aged about more than 50 years and is the sole bread winner of the family. Consequently, the sentence imposed on the petitioner is reduced to the period already undergone by him.

11. With the above modifications, the revision is partly allowed and the impugned judgment of conviction dated 01.05.2010 passed by the Additional Sessions Judge, Kapurthala and the impugned judgment dated 13.07.2006 passed by the Judicial Magistrate 1st Class, Kapurthala, are upheld whereas the order of sentence is modified to the extent that the sentence imposed on the present petitioner is reduced to the period already undergone by him. The sentence of fine will remain the same.

12. All pending applications, if any, are disposed off, accordingly.

13. The case property, if any, may be dealt with as per the rules after expiry of period of limitation for filing the appeal.

12.03.2026	(N.S.SHEKHAWAT)
amit rana	JUDGE
Whether reasoned/speaking	: Yes/No
Whether reportable	: Yes/No